

PD-0578-18

IN THE  
COURT OF CRIMINAL APPEALS  
OF TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
9/24/2018  
DEANA WILLIAMSON, CLERK

ROBVIA L. SIMPSON, Appellant

VS.

THE STATE OF TEXAS, Appellee

MOTION TO  
EXTEND TIME FOR FILING STATE'S BRIEF

**TO THE HONORABLE JUDGES OF SAID COURT:**

COMES NOW, the State of Texas by and through her 1<sup>st</sup> Assistant Criminal District Attorney, Scott C. Holden, and hereby requests an extension of the time period for the filing of the State's Brief and in support of same would show the court as follows:

1. PDR was granted by this Court on August 22, 2018.
2. The State's Brief is due on or before September 21, 2018.
3. This is the State's first motion for extension.
4. This assistant district attorney prepared for and tried a continuous sexual assault of a child trial, State v. Kameron Prine, Cause number 3CR-17-3316 during the week of August 28, 2018.
5. This assistant district attorney prepared for 2 jury trials and picked two juries, State v.

Shantel Page, Cause number 349CR-17-33106, (which was tried to the jury) and State of Texas vs. Ruby Carter, Cause numbers 349CR-17-33291 and 349CR-17-33290 (Which plead at opening statements) the week of September 4, 2018.

6. This assistant district attorney prepared for an Engaging in Organized Activity and Forgery case, State v. Carlos Hull, cause number 87CR-17-33082, for trial on September 10, 2018. Trial did fall through during jury selection due to defense counsel falling ill.
7. This assistant district attorney prepared for and tried a Possession of Controlled Substance 1 to 4 grams enhanced to Habitual case, State v. William Kincaide, Jr, cause number 369CR-17-33320, this week of September 17, 2018.
8. Due to the above circumstances, the undersigned will not be able to complete the State's brief by the current due date. The undersigned is not seeking this extension for the purposes of delay.

**WHEREFORE**, for the foregoing reasons, the State respectfully prays that this Honorable Court extend the time for filing the State's brief in this cause for 7 days making the due date on or about September 28, 2018.

Respectfully submitted by,



**SCOTT C. HOLDEN,**  
**1<sup>st</sup> ASSISTANT DISTRICT ATTORNEY**  
**ANDERSON COUNTY COURTHOUSE**  
**500 N. CHURCH STREET**  
**PALESTINE, TX 75801**  
**(903) 723-7400**  
**TBC#24036795**

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Motion to Extend Time for filing State's Brief has been sent by email to Colin McFall, Attorney for Appellant.



**SCOTT C. HOLDEN,  
1<sup>st</sup> ASSISTANT DISTRICT ATTORNEY  
ANDERSON COUNTY COURTHOUSE  
500 N. CHURCH STREET  
PALESTINE, TX 75801  
(903) 723-7400  
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THE STATE OF TEXAS  
COUNTY OF ANDERSON

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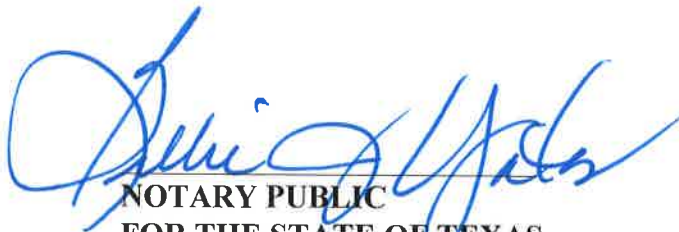
**AFFIDAVIT**

Before me the undersigned authority, on this day personally appeared **SCOTT C. HOLDEN** who states on oath that the facts contained in the State's Motion for Extension of Time to File Brief in Robvia L. Simpson vs. The State of Texas, (Trial Court Cause Nos. 87CR-16-32761 in the 87th Judicial District Court of Anderson County, Case No. **12-17-00080-CR** in the Twelfth Court of Appeals, Tyler, Texas) case number **PD-0578-18** in the Court of Criminal Appeals of Texas are true and correct to the best of my knowledge.



**SCOTT C. HOLDEN, 1<sup>st</sup> ASSISTANT  
CRIMINAL DISTRICT ATTORNEY  
ANDERSON COUNTY COURTHOUSE  
500 N. CHURCH STREET  
PALESTINE, TX 75801  
(903) 723-7400  
TBC#24036795**

Given under my hand and seal of office this the 21<sup>st</sup> day of September, 2018.



**NOTARY PUBLIC  
FOR THE STATE OF TEXAS  
COUNTY OF ANDERSON**

MY COMMISSION EXPIRES:

11/13/18